



**STATE OF NEW JERSEY**

In the Matter of Anthony J. Jackson,  
Investigator 2 (M0549B), Newark  
School District

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2021-1851

Examination Appeal

**ISSUED: DECEMBER 6, 2021 (RAM)**

---

Anthony J. Jackson appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Investigator 2 (M0549B), Newark School District.

By way of background, the announcement for the subject examination was issued on July 1, 2020 and was open to individuals who met the residency requirement and who possessed a Bachelor’s degree from an accredited college or university and two years of experience in office and/or field experience conducting investigations, collecting evidence and preparing investigative reports related to criminal, civil, or regulatory matters involving fraud misrepresentation or other action of criminal or civil misconduct. Applicants who did not possess the required education could substitute experience in investigation of criminal, civil, or regulatory matters on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Additionally, experience as a Police Officer performing criminal follow-up investigations could have been substituted for the above experience on a year-for-year basis. Agency records indicate that 11 applicants were found eligible for the subject examination, and as a result, an eligible list promulgated on June 3, 2021 and expires on June 2, 2024.<sup>1</sup> It is noted that a certification (OL210509) was issued with the 11 eligibles on June 7, 2021. Only one individual on the certification is provisional in the subject title other than the appellant who is not on the certification. Moreover, the appointing authority has not disposed of the certification by the September 7,

---

<sup>1</sup> It is noted that the subject examination was administered as an unassembled examination and all eligible candidates received the same score.

2021 due date. As a result, Agency Services has issued a notice of violation to the appointing authority.<sup>2</sup>

On his application, the appellant indicated that he was serving provisionally in the subject title from March 2019<sup>3</sup> to the July 2020 closing date. Agency Services credited the appellant with a Bachelor's degree and one year and five months of applicable experience he gained provisionally in the subject title as of the July 21, 2020 closing date. It was determined that the majority of the job duties listed on the appellant's resume as a school Security Guard was not applicable experience, as any investigative duties performed as a Security Guard would be considered out-of-title work, since conducting investigations is not included in the job specification for Security Guard. Thus, it was concluded that the appellant lacked seven months of required experience.

On appeal to the Civil Service Commission (Commission), the appellant clarified his investigative experience as a school Security Guard of 26 years with the Newark School District as justification that he meets the announced requirements for the subject examination.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(g) provides that the Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

In the present matter, Agency Services determined that with the exception of the appellant's provisional experience in the subject title, his position as a school Security Guard did not provide him with applicable experience. In that regard, in order for experience to be considered applicable, it must have duties as its **primary focus** full-time responsibilities in the areas required. Therefore, applicable experience would have such work whose primary function is conducting investigations, collecting evidence and preparing investigative reports related to criminal, civil, or regulatory matters involving fraud misrepresentation or other action of criminal or civil misconduct. It was also determined that any investigative duties the appellant performed as a Security Guard was out-of-title work and could

---

<sup>2</sup> It is noted that an appeal does not stay administrative processes. Thus, the appointing authority must comply with the notice of violation.

<sup>3</sup> Agency records indicate that the appellant was appointed provisionally pending open competitive examination procedures effective March 4, 2019. It is noted, that the appellant continues to serve in the title and has gained enough provisional experience after the closing date for examination eligibility purposes.

not be considered to satisfy requirements for admittance to the examination or for credit in the examination process. However, although the majority of the appellant's duties as a Security Guard were not considered applicable experience and conducting investigations might not have been the primary focus of his duties, the job specification for a Security Guard states that individuals must have "knowledge of investigative procedures." Therefore, it is not unreasonable that the appellant performed applicable investigations over his 26 years as a Security Guard within the Newark School District. Moreover, given that the subject examination is open competitive and not promotional, there is no prohibition to accept out-of-title work as set forth in *N.J.A.C. 4A:4-2.6(c)*. Thus, under these circumstances presented, the Commission is satisfied that, based on the appellant's appeal clarifying his investigative work experience for the past 26 years as a Security Guard for Newark School District, he met the requirements for the subject examination prior to the July 21, 2020 closing date.

In this regard, the Commission emphasizes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on merit and service. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communication of Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

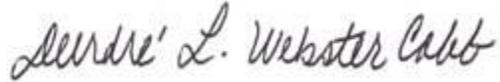
Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter, and it does not provide a precedent in any other matter.

### **ORDER**

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF DECEMBER 2021



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Anthony J. Jackson  
Yolanda Mendez  
Division of Agency Services  
Records Center